

Senate File 2235

H-8396

1 Amend Senate File 2235, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 216A.105 Deliverable
6 fuels — mandatory delivery — qualifications.
7 1. Except when an unsafe condition would result,
8 a deliverable fuel vendor engaged in the business of
9 providing deliverable fuel to customers in this state
10 shall not withhold the sale or delivery of deliverable
11 fuel to a customer between November 1 and April 1
12 annually if the customer makes a prepaid payment in an
13 amount corresponding to the vendor's current cash price
14 for two hundred fifty gallons of deliverable fuel or
15 the vendor is notified by the division that not less
16 than this amount will be paid from program funds on
17 behalf of the customer.
18 2. a. A deliverable fuel vendor is not prohibited
19 from withholding the sale or delivery of deliverable
20 fuel to a customer who has received the maximum amount
21 of annual program assistance available and who cannot
22 make a prepaid payment for deliverable fuel pursuant
23 to subsection 1.
24 b. A delivery of deliverable fuel is not required
25 when a deliverable fuel vendor has grounds to believe
26 that an unsafe condition or unlawful use would result.
27 3. A deliverable fuel vendor providing deliverable
28 fuel to a customer with an unpaid balance owing to the
29 vendor may reduce the amount of the required delivery
30 by up to twenty-five percent and shall apply the value
31 of the reduction to the customer's unpaid balance
32 except when the payment is made from program funds. If
33 an unpaid balance remains, the division shall offer
34 assistance in facilitating a payment arrangement. If
35 a customer subject to a payment arrangement misses
36 three payments required by the arrangement within a
37 one-year period or within the time period during which
38 the arrangement is in effect, the vendor is relieved of
39 any obligation pursuant to this section relating to the
40 customer and the entire balance owed to the vendor is
41 due and payable.
42 4. A customer shall be responsible for payment
43 in advance of any charges for system safety checks
44 conducted by a deliverable fuel vendor, except when
45 that charge will be paid with additional program funds
46 specified for that use. System safety check payments
47 shall be in addition to, and shall not reduce, the
48 payment otherwise available for a deliverable fuel sale
49 or delivery. A propane vendor conducting a system
50 safety check shall inform customers of the existence

1 of projects developed by the Iowa propane education
2 and research council to provide assistance to persons
3 eligible for a project, if applicable, based upon the
4 results of the safety check.

5 5. A customer shall be responsible for advance
6 payment of a charge for delivering deliverable fuel to
7 the customer, as determined by the deliverable fuel
8 vendor, unless that charge is paid for in advance with
9 program funds. The charge for delivery may include
10 an additional amount when an unscheduled or special
11 delivery is required by the customer. Delivery fees or
12 charges shall be in addition to, and shall not reduce,
13 the payment otherwise available for the deliverable
14 fuel sale or delivery pursuant to subsection 1.

15 6. The division may enter into written agreements
16 with deliverable fuel vendors to implement the
17 provisions of this section and such other terms as
18 the parties agree. The parties may agree to terms
19 different than those provided in this section, in which
20 case the terms of the written agreement shall supersede
21 this section.

22 7. For the purposes of this section, unless the
23 context otherwise requires:

24 a. "*Customer*" means an existing customer or a
25 prospective customer who, subject to satisfying
26 safety requirements and other usual requirements
27 of the vendor, applies to become a customer of a
28 deliverable fuel vendor and who has qualified for the
29 program for the purchase and delivery of deliverable
30 fuel. A prospective customer shall agree to a payment
31 arrangement as a part of their application.

32 b. "*Deliverable fuel*" means propane or any other
33 heating fuel sold and delivered in this state for home
34 heating purposes except for electricity or natural gas
35 sold by a public utility furnishing natural gas by
36 piped distribution system or electricity to the public
37 for compensation pursuant to chapter 476.

38 c. "*Deliverable fuel vendor*" means a retail propane
39 marketer or marketer of a deliverable fuel other than
40 propane that has agreed to participate in the program.

41 d. "*Division*" as used in this section means the
42 division of community action agencies of the department
43 of human rights, and shall include "community action
44 agency" when the context or function warrants.

45 e. "*Payment*" means payment with United States
46 currency, a cashier's check or money order issued by a
47 state or federally regulated financial institution, a
48 commitment by the division, or other form of payment
49 acceptable to the deliverable fuel vendor.

50 f. "*Program*" means the federal low-income home

1 energy assistance program.
2 *g. "Propane" and "retail propane marketer" mean the*
3 *same as defined in section 101C.2.*
4 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
5 repealed.>
6 2. Title page, by striking lines 2 and 3 and
7 inserting <under specified circumstances.>

REASONER of Union